

## Original Research Paper

### Suggestions for the Medical Experts in Custody Deaths

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#### Abstract

Human death itself is an untoward and unfortunate one for all near and dear ones. Component of unexpectedness specially raises suspicion among relatives, media and community. Deaths in police custody is among the major chunk of such deaths even though low in terms of incidence but having heavy potential of creating major hue and cry. A retrospective study of custodial deaths in various police stations of Andhra Pradesh from 1978 to 1999 was conducted. In spite of diverse difficulties encountered, records of 90 cases could be gathered from various sources like Legal cell of DGP's office, from report of various commission of Inquiry which are available in the library of A.P. Assembly.

An attempt was made to review administrative and medico-legal aspects of 90 cases with regards to circumstances of death, various causes of death, nature of death and lapses on the part of the doctors involved in such cases has been made in the present study. Various suggestions are also put forward in the judicial commission to prevent recurrence of such deaths. To the best of our belief and knowledge, such study are very far and few off in bio medical literatures in India.

**Key Words:** Custodial Death, Medico-legal, Police

#### Introduction:

The incidence of police torture and brutality often hit the headlines in newspapers and expose Police to severe criticism from different sections of the Society.

Exposure of such incidents causes national and international concern. Noteworthy among them are case of one student Leader of Goa by name Fernandez Moses receiving inhuman torture in the hands of Police for addressing a peaceful meeting of students in a college of Goa. [1] Figures compiled by the National crime Records Bureau show that during the year 1990-92 as many as 258 rapes and 197 deaths in Police Custody were reported from all over the country. [2]

The custodial deaths generate more heat than light. The National Police Commission (1971) analysed police torture deaths in 8 states, found that police were blamed in 11 out of 17 judicial enquiries, 37 out of 82 magisterial Enquiries, 23 out of 430 enquiries by other agencies.

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The National Police Commission recommended that in all cases of custodial deaths there should be mandatory judicial enquiries. [3]

#### Materials and Methods:

This is a retrospective study of 90 cases of custodial deaths recorded in various police stations of AP during the period 1978-1999.

The case records were gathered from various sources like legal cell of D.G.P's office, Reports of commission of inquiries from the Library of AP. Legislative Assembly and in some cases through personal communication from doctors. In spite of inherent and diverse short comings shortcomings, available data was gathered, tabulated and analysed to identify flaws and to deduce some logical suggestions at various stages of medical investigation of custody death.

#### Observations and Result:

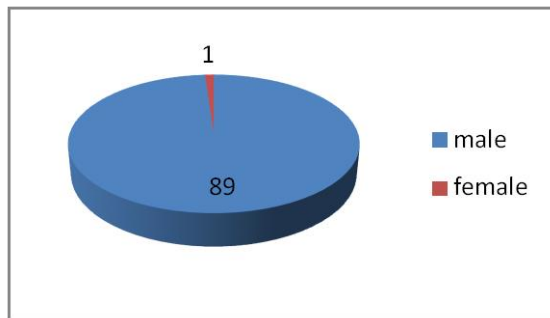
In this study out of total 90 victims all were males except one case. (Fig. 1) It was observed in this study that in maximum cases (55.55%) death occurred in lock up or in police premises followed by hospital as indoor patient (28.9%). (Table 1) Except a case of Journalist, all other cases were from low socio economic state of the society with no education.

In present study out of 90 deaths, 19 were natural deaths, 30 due to various injuries, 38 cases due to suicides and three due to other causes. (Fig. 2) Among suicides the commonest method of suicide is hanging. Out of 38 suicides,

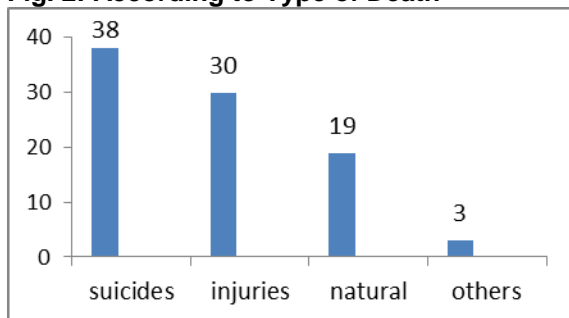
28 cases were hanging, five cases of poisoning, three cases of drowning, and one case each of burns and cut throat were present. (Fig. 3)

Regarding the manner of Deaths in our study death due to injuries were accidental in nature (8 cases), due to police beating (13 cases), due to public and police beating(8 cases), and one cases due to insect bite. (Fig. 4)

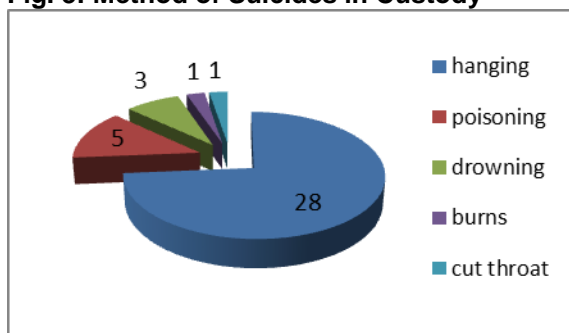
**Fig. 1: Male Female Ratio in Custodial Deaths**



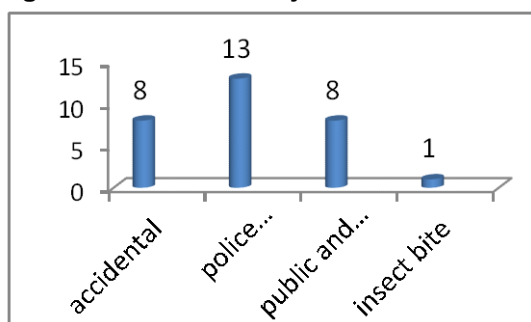
**Fig. 2: According to Type of Death**



**Fig. 3: Method of Suicides in Custody**



**Fig. 4: Deaths due to Injuries**



**Table 1: According to Place of Death**

Place of Death	Cases (%)
Lock up/ police station premises	50( 55.55)
Hospital- Brought dead	14( 15.55)
Hospital- Died as indoor patient	26( 28.90)
Total	90( 100)

**Discussion:**

Out of 90 cases only one victim is female and most of them are from low socioeconomic state of society with no education. In this study 19 cases were natural deaths, 38 suicides, 9 accidents, 30 due to injuries (9 accidental, 13 homicidal, 8 beaten by police and public).

As common victims of custody death are male and from lower socioeconomic strata, who were bread winners of family and hence larger social impact over and above legal repercussions.

In addition, in majority of cases victims died unnaturally (71 cases, 78.89 %); this indicated that custody is not a safe place for the arrested ones. We suggest that home department shall ensure the safety of arrested ones; not only because they are humans but they are potential “accused” of some crime and the entire investigation of the crime ends with end of life of “accused”.

The duress in the custody, adversely affects the psych of “accused”; compelling him to end the life. We are of the feeling that, it can be taken care by sensitizing police officials to handle such persons; off course without compromising the laws of land. Some lapses were noticed by the commission of inquiry on the part of Doctors and also investigating police officers. [4]

**Suggestions:**

Following important ones shall be taken care:

1. Scientific Photographs (with case number and 2-D scale) of the deceased should be taken and preserved.
2. Body should not be sent to the post mortem examination before the nearest relatives arrive.
3. Proper steps should be taken to see that the dead bodies are well preserved to prevent rat bites and other post-mortem changes and artefacts.
4. Post-mortem staining changes misinterpreted for injuries, which shall not be.
5. Controversies about the age of injuries (one to ten days old or older than twelve days) deceased in the lock-up for 10 days.
6. Delays in expressing the opinion regarding cause of death shall be addressed.

7. Post mortem examination done in perfectly, evidence was influenced.
8. Clothing of the deceased should be seized and shall not be handed over to relatives.
9. Improper maintenance of histopathology records shall be checked.
10. The sizes and nature of injuries were not taken into consideration before opining the cause of death. Such deviation from scientific exercise must be avoided.
11. Avoid delay in sending viscera for chemical analysis( as alcohol may not be detected if there is delay)
12. Doctors should not refuse to conduct post-mortem.
13. Hospital in charge and doctor failed to provide ambulance to transport the dead body from police station to the Hospital for which he was suspended. Though trivial, but such issues if taken care helps in reducing agony of the relatives.

**Conclusion:**

Though the frequency with which the custodial deaths occurring are decreasing. They will continue to occur in spite of all precautionary measures. They not only sully the fair image of Indian Democracy but also provide the grist for the Anti-Indian propaganda mills abroad.

Custodial deaths occur even in countries with excellent human rights records because of occasional lapses of standards. Therefore the above lapses and suggestions put forth by various commissions would help in reducing the frequency of custodial deaths.

We feel, similar scientific evaluation of such deaths across the country and dissemination of the conclusions arrived there of shall help all concerned , not only in reducing custody deaths but also act as a bane in reducing controversies surrounding them.

**References:**

1. Illustrated Weekly of India, October 12-18 , 1991, p.10
2. National Crimes Records Bureau 1990-1992
3. National Police Commission 1971
4. Commissions of Inquiries 1-27

S.NO.	COMMISSIONS OF INQUIRIES	YEAR
1.	K.A. Mukhtadar	1978
2.	Sri Justice M. Krishna Rao	1986
3.	Sri Justice A.D.V. Reddy	1986
4.	Sri P. Ramakrishna	1986
5.	Sri E.L. Bhagiratha Rao	1986
6.	Sri K. Sriranganayakulu	1986
7.	Sri P.V. Ranga Reddy	1986
8.	Sri B. RamaRao	1986
9.	Sri A.D.V. Reddy	1987
10.	Sri P.L. Subbiah	1987
11.	Sri G.J. Stephen	1989
12.	Sri P.V. Ranga Reddy	1989
13.	Sri Veerabhadra Rao	1989
14.	Sri C. Narsimhulu	1989
15.	Sri B. Narsinga Rao	1989
16.	Sri V.V. Ramana dham	1989
17.	Sri C. Jacob	1990
18.	Sri A Sanjeeva Rao	1991
19.	Sri K. Padmanabha Goud	1992
20.	Sri A Sanjeeva Rao	1993
21.	Sri Koka Govinda Rao.	1993
22.	Sri Koka Govinda Rao.	1994
23.	Sri D.V. Ramana Moorthy	1996
24.	Sri K. Padmanabha Goud	1996
25.	Sri K. Padmanabha Goud	1998
26.	Sri A Sanjeeva Rao	1998
27.	SriB.V. Ranga Raju	1999